

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2002-333-C - ORDER NO. 2003-13

JANUARY 9, 2003

IN RE: Application of Farmers Telephone)	ORDER APPROVING
Cooperative, Inc. for Approval of Revisions)	REQUEST FOR
to its General Subscriber Tariff to Increase)	CONTINUANCE OF
Directory Assistance Charges)	HEARING AND
(Tariff No. 2002-366))	MODIFICATION OF
)	PREFILING DEADLINES

This matter comes before the Public Service Commission of South Carolina (the Commission) by way of a Request for a Continuance of hearing and prefiling dates from the Consumer Advocate for the State of South Carolina (the Consumer Advocate). This matter was addressed by the Commission at its regularly scheduled meeting on January 7, 2003.

On September 11, 2002, Farmers Telephone Cooperative, Inc. (FTC or the Applicant) filed with the Commission for Revisions to its General Subscriber Service Tariff to increase the charges for Directory Assistance. The Commission's Executive Director instructed FTC to publish, one time, a prepared Notice of Filing in newspapers of general circulation in the affected areas. The purpose of the Notice of Filing was to inform interested parties of FTC's Filing of Tariff Revisions and of the manner and time in which to file the appropriate pleadings for participation in the proceeding. The Applicant complied with this instruction and provided the Commission with proof of

publication of the Notice of Filing. A Petition to Intervene in this proceeding was filed with the Commission by the Consumer Advocate on October 9, 2002.

On December 2, 2002, the Commission issued Order No. 2002-811 which established prefilings deadlines for the instant docket. Order No. 2002-811 directs the Applicant to prefile its testimony and exhibits on or before December 23, 2002, and the Commission Staff and intervenors to prefile their testimony on or before January 8, 2003. Additionally, Order No. 2002-811 provides for the parties of record to serve their prefiled testimony and exhibits on all other parties of record as required by the Commission's Rules and Regulations.

The Consumer Advocate, on January 2, 2003, filed a Request for Continuance of the hearing and prefilings dates scheduled in this matter. By the Request, the Consumer Advocate alleges that as of January 2, 2003, FTC had failed to serve him a copy of its prefiled testimony which is in violation of Commission Order No. 2002-811. According to the Consumer Advocate, he is uncertain as to whether or not the Consumer Advocate will need to file testimony in this case; however, the Consumer Advocate states his belief that failure of the Applicant to timely serve its testimony has prejudiced the Consumer Advocate's ability to review FTC's testimony and conduct potential discovery based on the testimony prior to the Consumer Advocate's testimony prefile date of January 8, 2003. The Consumer Advocate requests that the hearing and prefilings dates for all other parties be continued.

On January 6, 2003, counsel for FTC filed a Return to the Consumer Advocate's Request for Continuance. In its Return, FTC acknowledges that it failed to timely serve

the Consumer Advocate with the Applicant's prefiled testimony, and states regret for the oversight. According to FTC, counsel for the Applicant confirmed receipt by the Consumer Advocate of FTC's prefiled testimony via facsimile on January 3, 2003. By its Return, FTC submits that a continuance of the hearing should not be granted for the following reasons: (1) substance of FTC's prefiled testimony was discussed with the Consumer Advocate prior to its filing of December 23, 2002, and the Applicant had provided the Consumer Advocate with financial information on an Annual Revenue Impact statement, and an updated Impact statement was the only exhibit filed with the testimony; (2) the Consumer Advocate intervened on nonspecific grounds; (3) the interest of the public has not been adversely affected nor would the interest of the members of the Applicant be adversely affected; (4) the directory assistance rate is a discretionary charge which FTC's members may elect not to incur in many instances; and (5) counsel for FTC has offered and remains willing to meet with the Consumer Advocate to assist in providing proper discovery.

FTC adds further that without a delineated position or identified concern by the Consumer Advocate, and the circumstances outlined above, a continuance would appear to unnecessarily delay action on the new rate requested by FTC and would not further the right of the Consumer Advocate to fully participate in this proceeding

We have reviewed the pleadings in this case and we agree that FTC's failure to serve the Consumer Advocate with testimony and exhibits prejudiced the Consumer Advocate's ability to review testimony and conduct discovery in this case. Accordingly, we modify the remaining prefilings dates and the hearing date.

The Commission moves the scheduled hearing from January 22, 2003, until **February 6, 2003**, and accordingly, Order No. 2002-811, dated December 2, 2002, captioned “Order Establishing Prefiling Deadlines” is modified as follows¹:

The Commission hereby orders that twenty-five copies of the direct testimony and exhibits of the direct testimony and exhibits of the Commission Staff and/or intervenors shall be pre-filed on or before **January 23, 2003**. (Direct testimony and exhibits may be post-marked on these dates.) Also, any rebuttal testimony and exhibits of the Applicant shall be pre-filed on or before **January 30, 2003**, and any surrebuttal testimony and exhibits of the Commission Staff and/or intervenors shall be pre-filed on or before **February 3, 2003**. (Rebuttal testimony and exhibits and surrebuttal testimony and exhibits must be in the offices of the Commission and in the hands of the parties on these dates.) It should be noted that acceptance into the record of surrebuttal testimony and exhibits is subject to the discretion of the Commission.

All parties shall serve their pre-filed testimony and exhibits on all other parties of record as required by the Commission’s Rules and Regulations. All parties are reminded that all witnesses must be present during any hearing in this matter at the call of the Chairman, or the Commission may decline to allow the witnesses’ testimony to be read into the record of the proceeding, and/or may decline to allow the witnesses’ exhibits to be entered into the evidence of the case.

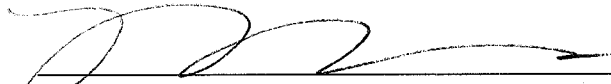
¹ The modifications herein relate only to the due dates for prefiling of testimony and exhibits. The instructions concerning filing, number of copies to be filed, and service on other parties have not been modified from Order No. 2002-811, but those instructions are repeated herein for emphasis to the parties.

Please take note that any party requesting modification of this schedule must file a request for such modification with the Commission.

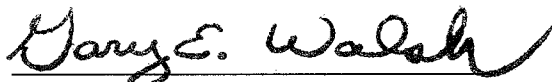
IT IS THEREFORE ORDERED:

1. The Hearing previously scheduled for January 22, 2003, is hereby continued and rescheduled for February 6, 2003.
2. The scheduling order for filing testimony and exhibits as set out by Order No. 2002-811 dated December 2, 2002, is hereby modified as outlined above.
3. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Mignon L. Clyburn, Chairman

ATTEST:


Gary E. Walsh, Executive Director

(SEAL)